

As a participant in digital content communities, I have a grave concern about the proposed Broadcast Flag. To the extent that the FCC is involved, it should be with the goal of preventing control of the "public" communications resources from becoming further concentrated into the hands of corporations, where extraction of money is prioritized (in bylaws) over civil rights.

I enjoy the flexibility and control that "personal" computing technology gives me. Used in conjunction with digital networking such as the Internet, people such as me have tools that let us produce and distribute material with production values that are as high as we want them to be, for the communities we wish to interact with. I can record sounds, take photographs or video, write, and easily collaborate with other people, anywhere in the world, on projects of mutual interest. I can write them on a CD or DVD, making copies to share, archive, or sell as appropriate.

The broadcast flag seems designed to remove this control and flexibility, which is our cultural and social heritage. That is, it proposes to remove constitutional rights to flexibility in speech and association from ordinary people and make them the exclusive province of media corporations ... when those rights happen to be exerted using the personal technologies which are at the core of today's new creative processes.

It does that by outlawing the kinds of social authorization protocols that are traditional parts of creative processes: by proposing that "authorization" be oversimplified. Real world authorization protocols include short term loans ("I left my CD in your car, keep it till Sunday if you want") and bartering ("I'll make this part if you make that one"), and there are many feedback mechanisms involved. An "authorization" may sometimes be established after the fact, as part of some negotiation, and negative feedback is rarely limited to denial of service. "Fair use" is always authorized.

These "digital rights" schemes, such as the broadcast flag, seek both to break current social agreements, by favoring one kind of production model over others (playing field is no longer "flat"); and also seeks to limit the kinds of future agreements that may evolve, so that only ones which benefit whoever controls this (potentially mandated) "broadcast flag" technology will be permitted

I am a law-abiding consumer who believes that fraud and so-called "piracy" (that is, copying in violation of copyrights) should be prevented and prosecuted. However, if that prevention can only come at the cost of prohibiting me from making legal use of my content, or even creating new constraints on "fair use", then the FCC should be working to block that.

In the case of the broadcast flag, it seems that I would be required to replace consumer electronic devices with ones that cost more and allow me to do less, and which block innovations that don't siphon money from my pocket into the media companies ... and yet piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses, including ones that are not currently anticipated ... and especially the many ones they'd rather prevent. If they cannot, I urge you not to mandate the broadcast flag.